



MICHIGAN
HOUSE OF REPRESENTATIVES
P.O. Box 30014
LANSING, MICHIGAN 48909-7514

MINUTES OF THE COMMITTEE
ON
LOCAL GOVERNMENT

Wednesday, June 7th, 2017

12:00 noon

Room 519 House Office Building

The House Standing Committee on Local Government was called to order by the Chair.

Members present: Reps. Lower, Crawford, Runestad, Howell, Alexander, Frederick, Hauck, Green, Moss, Ellison, Sabo.

Members absent/excused: None.

The Chair laid HB 4105 and HB 4334 before the committee:

HB 4105 (Hornberger) Local government; other; sanctuary policy prohibition act; create.

HB 4334 (LaFave) Local government; other; sanctuary policy prohibition act; create.

Substitute (H-1) was previously adopted on May 24, 2017, to HB 4105.

Substitute (H-1) was previously adopted on May 24, 2017, to HB 4334.

Chris Hackbarth, representing the Michigan Municipal League, testified in opposition to the bills. Questions and discussion followed.

Andrew Moore, Professor of Law at the University of Detroit Mercy Law, testified in opposition to the bills.

Christopher Taylor, Mayor of the city of Ann Arbor, testified in opposition to the bills. Questions and discussion followed.

Jerry Clayton, the Washtenaw County Sheriff, testified in opposition to the bills. Questions and discussion followed.

Paul Stankewitz, representing the Michigan Catholic Conference, testified with a neutral position on the bills.

Judy Allen, representing the Michigan Township Association, testified with concerns on the bills.

Kunerama Sanchez, representing Detroit City Council Member, Raquel Castaneda-Lopez, testified in opposition to the bills.

Jessica Prozinski and Keysha Wall, both representing STOPTRUMP Ann Arbor, testified in opposition to the bills.

Rene Liethan, representing the Indivisible District 14 – Child Survivors, testified in opposition to the bills. Questions and discussion followed.

The following people submitted a card in opposition to the bills, but due to the time constraints were unable to speak:

Brian Steele, representing the Battle Creek Christ UMC.
Scott Reilly, representing the Northwest Unitarian Universal Church.
Michael Kelly, representing the Detroit Quaker meeting.
Sue Hadden, representing herself.
Sarah Rosenthal, representing the people of Michigan.
Eric Krawczak, representing himself.
Kelsey Herbert, representing the Christian Reformed Church.
Don Bisdorf, representing himself.
Faye Schmett, representing the American Civil Liberties Union People Power.
Richard Kessler, representing the West Michigan Coalition for Immigration Reform.
Carlos Salazar, representing himself.
Merari Mireles, representing One Michigan for Immigrant Rights.
Samantha Madaleno, representing One Michigan for Immigrant Rights.
Representative Stephanie Chang.
Todd Kimball, representing Voices for Health.
Diego Bonesatti, representing Michigan United.
Maximo Anguiano, representing MI ALMA.
Melanie Goldberg, representing the American Immigration Lawyers Association-Michigan and Justice for our Neighbors.
Seydi Sarr, representing Michigan United and ABISA.
Oscar Castaneda, representing Action of Greater Lansing.
Evangelina Alvdrez, representing the Michigan Immigrant Rights Center.
Natalie Munoz, representing Michigan United.
P. Pamela Davies, Esq., representing Advocates and Leaders for Police and Community Trust.
Lori Watanabe Saginaw, representing herself.
Paul Saginaw, representing Zingerman's Community of Business.
Josh Dunn, representing himself and VOCES of Battle Creek.
Linda Brundage, representing the Michigan Coalition to Prevent Gun Violence.

The following people submitted cards in opposition to the bills, but did not wish to speak.

Allan Martling, representing himself.
Erik Shelley, representing Michigan United.
Michelle Deatrick, Vice-Chair of the Washtenaw County Board of Commissioners.
Cavolyn Ojala, representing Edgewood United Church of Christ.
Deborah Harns, representing herself.
Ryan McCarly, representing himself.
Justine Fory, representing herself.
Julie Quiroz, representing Ann Arbor.
Silvia Tineo-Perce, representing herself.
Ellen Kelly, representing Michigan United.
Heidi Thornley, representing herself.
Francine Alexander, representing Businesses for a Thriving Michigan.

May Watanabe, representing herself.
Judith Foy, representing herself.
Charles Bright, representing himself.
Karen Bartas, representing herself.
Juan Marinez, representing LLEAD of Michigan.
Meagan Roche, representing the Michigan Immigrant Rights Center: Welcoming Michigan.
Robertta Lindeman.
Caitlin Homrich-Knieling, representing Michigan United.
Mildred Vado, representing Michigan United.
Shari Gordon, representing herself.
Joazhino Munoz, representing Michigan United.
Warner March.
Glenn Maxwell, representing the First Unitarian Universalist Church.
Maria Ibarra-Frayre, representing the Washtenaw Immigrant Justice Coalition.
Margaret Harner, representing the Washtenaw Interfaith Coalition for Immigrant Rights.
Ivan Harner, representing the Washtenaw Interfaith Coalition for Immigrant Rights.
Leonor Kromis, representing the Washtenaw Interfaith Coalition for Immigrant Rights.
Rev. Dr. Jill Hardt Zundel, representing the Central United Methodist Church.
Janice Tocco.
Hannah Zundel, representing the Central United Methodist Church.
Colleen Sullivan.
Janet Bourgon, representing Washtenaw County For All.
Rebecca Tabor, representing TAKE ON HATE.
Alice Elliott, representing the Washtenaw Interfaith Coalition for Immigrant Rights.
Fred Thelen, representing the Cristo Rey Parish.
Sarrah Halstead.
Kathleen McWerlls, representing the Michigan Unitarian Universalist Social Justice Network.
David Sanchez, representing himself.
Felipe Sustait, representing the Hispanic Latino Commission.
Ana Manzano, representing the Hispanic Latino Commission.
Jose Luis Mendez, representing the Hispanic Latino Commission.
Jose Reyes, representing the Hispanic Latino Commission.
Alex Bennett, representing the Washtenaw Interfaith Coalition for Immigrant Rights.
Daniel Carreon-Camberos, representing the Hispanic Latino Commission.
Judy Martin, representing Racial Justice, Edgewood Church.
Janice Bernsten.
Juan Jaimes.
Connie Detjen, representing the Edgewood Church.
Larry Zilioli, representing himself.
Kirk Profit, representing the City of Ypsilanti.
Any Gumbrecht, representing Wayne County.
Melissa Bruzzano, representing Michigan United, People Power and the Washtenaw Immigrant Justice Coalition.
Victor Wooddell, representing Indivisible District 9.
Kate Levy, representing Indivisible Detroit.
Brittani Howard.
Connor Meston.
Natalie Pochert.
Melissa Osborn.

Denise Martin.

Judy Karandjeff, representing the League of Women Voters.

Ben Bodkin, representing the Michigan Sheriffs' Association.

Rep. Abdullah Hammad.

Representative Moss offered the following amendment to HB 4105 (H-1):

1. Amend page 2, line 11, after "state" by inserting "if there is probable cause that the individual committed a felony or an offense involving violence".

Questions and Discussion followed.

Representative Moss moved his amendment to HB 4105 (H-1). The motion did not prevail 4-7-0.

UNFAVORABLE ROLL CALL

Yeas: Reps. Green, Moss, Ellison, Sabo.

Nays: Reps. Lower, Crawford, Runestad, Howell, Alexander, Frederick, Hauck.

Pass: None.

Representative Sabo offered the following amendment to HB 4105 (H-1):

1. Amend page 4, following line 4, by inserting:
"(3) If an individual brings an action as described in section 9, or if the attorney general brings an action as described in section 11, and the court determines that the law, ordinance, policy, or rule of the local unit of government does not violate this act, the court shall award actual costs and reasonable attorney fees to the local unit of government."

Representative Sabo moved his amendment to HB 4105 (H-1). The motion did not prevail 4-7-0.

UNFAVORABLE ROLL CALL

Yeas: Reps. Green, Moss, Ellison, Sabo.

Nays: Reps. Lower, Crawford, Runestad, Howell, Alexander, Frederick, Hauck.

Pass: None.

Representative Ellison offered the following amendment to HB 4105 (H-1):

1. Amend page 4, following line 4, by inserting:
"Sec. 15. If an individual brings an action as described in section 9, or if the attorney general brings an action as described in section 11, this state shall reimburse the local unit of government for any costs incurred by that local unit of government involving that action."

Representative Ellison moved his amendment to HB 4105 (H-1). The motion did not prevail 4-7-0.

UNFAVORABLE ROLL CALL

Yeas: Reps. Green, Moss, Ellison, Sabo.

Nays: Reps. Lower, Crawford, Runestad, Howell, Alexander, Frederick, Hauck.

Pass: None.

Representative Green offered the following amendment to HB 4105 (H-1):

1. Amend page 2, line 8, after "that" by striking out the balance of the line through "state." on line 11 and inserting "prohibits, or in any way restricts, a peace officer or local official, officer, or employee from sending to, or receiving from, the United States Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual."

Representative Green moved his amendment to HB 4105 (H-1). The motion did not prevail 4-7-0.

UNFAVORABLE ROLL CALL

Yeas: Reps. Green, Moss, Ellison, Sabo.

Nays: Reps. Lower, Crawford, Runestad, Howell, Alexander, Frederick, Hauck.

Pass: None.

Representative Sabo offered the following amendment to HB 4105 (H-1):

1. Amend page 2, following line 13, by inserting:
"Sec. 6. This act does not require a peace officer or local official, officer, or employee to violate either the health insurance portability and accountability act of 1996, Public Law 104-191, and regulations promulgated under that act, or the attorney-client privilege."

Representative Sabo moved his amendment to HB 4105 (H-1). The motion did not prevail 4-7-0.

UNFAVORABLE ROLL CALL

Yeas: Reps. Green, Moss, Ellison, Sabo.

Nays: Reps. Lower, Crawford, Runestad, Howell, Alexander, Frederick, Hauck.

Pass: None.

Representative Green offered the following amendments to HB 4105 (H-1):

1. Amend page 2, line 7, after "Sec. 5." by striking out "A" and inserting "Except as otherwise provided in section 6, a".

2. Amend page 2, following line 13, by inserting:
"Sec. 6. A local unit of government may enact or enforce any law, ordinance, policy, or rule that limits or prohibits a peace officer or local official, officer, or employee from complying with a federal immigration detainer request and that law, ordinance, policy, or rule is not a violation of this act."

Questions and Discussion followed.

Representative Green moved his amendments to HB 4105 (H-1). The motion did not prevail 4-7-0.

UNFAVORABLE ROLL CALL

Yeas: Reps. Green, Moss, Ellison, Sabo.

Nays: Reps. Lower, Crawford, Runestad, Howell, Alexander, Frederick, Hauck.

Pass: None.

Representative Moss offered the following amendment to HB 4105 (H-1):

1. Amend page 2, line 9, after "official" by striking out the comma and "officer, or employee" and inserting "or officer".

Representative Moss moved his amendment to HB 4105 (H-1). The motion did not prevail 4-7-0.

UNFAVORABLE ROLL CALL

Yeas: Reps. Green, Moss, Ellison, Sabo.

Nays: Reps. Lower, Crawford, Runestad, Howell, Alexander, Frederick, Hauck.

Pass: None.

Representative Ellison offered the following amendment to HB 4105 (H-1):

1. Amend page 4, following line 4, by inserting:

"Sec. 15. If a peace officer or local official, officer, or employee of a local unit of government cooperates with appropriate federal officials concerning the immigration status of an individual in this state, this state shall reimburse that local unit of government for all costs associated with that local unit of government's cooperation with appropriate federal officials.".

Representative Ellison moved his amendment to HB 4105 (H-1). The motion did not prevail 4-7-0.

UNFAVORABLE ROLL CALL

Yeas: Reps. Green, Moss, Ellison, Sabo.

Nays: Reps. Lower, Crawford, Runestad, Howell, Alexander, Frederick, Hauck.

Pass: None.

Representative Green offered the following amendment to HB 4105 (H-1):

1. Amend page 4, following line 4, by inserting:

"Enacting section 1. This act does not take effect unless House Bill No. 4430 of the 99th Legislature is enacted into law.".

Representative Green moved his amendment to HB 4105 (H-1). The motion did not prevail 4-7-0.

UNFAVORABLE ROLL CALL

Yeas: Reps. Green, Moss, Ellison, Sabo.

Nays: Reps. Lower, Crawford, Runestad, Howell, Alexander, Frederick, Hauck.

Representative Runestad moved to report out HB 4105 with recommendation, as substitute (H-1). The motion prevailed 7-4-0.

FAVORABLE ROLL CALL

Yeas: Reps. Lower, Crawford, Runestad, Howell, Alexander, Frederick, Hauck.

Nays: Reps. Green, Moss, Ellison, Sabo.

Pass: None.

Representative Runestad moved to report out HB 4334 with recommendation, as substitute (H-1). The motion prevailed 7-4-0.

FAVORABLE ROLL CALL

Yeas: Reps. Lower, Crawford, Runestad, Howell, Alexander, Frederick, Hauck.
Nays: Reps. Green, Moss, Ellison, Sabo.
Pass: None,

The Chair laid HB 4616 before the committee:

HB 4616 (Howell) Local government; other; prohibition of local ordinances dealing with pistols and other firearms; clarify penalties and provide for certain notices.

Substitute (H-1) was previously adopted on May 24, 2017, to HB 4616.

Representative Howell discussed the changes made in the proposed substitute (H-2).

Representative Howell moved to adopt substitute (H-2) to HB 4616. The motion prevailed 9-0-2

FAVORABLE ROLL CALL

Yeas: Reps. Lower, Crawford, Runestad, Howell, Alexander, Frederick, Hauck, Moss, Sabo.
Nays: None
Pass: Reps. Green, Ellison.

Representative Moss offered the following amendment to HB 4616 (H-2):

1. Amend page 2, following line 3, by inserting:
"Sec. 1. As used in this act:
(a) "Firearm" means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.
(b) "Local unit of government" means a city, village, township, or county. LOCAL UNIT OF GOVERNMENT DOES NOT INCLUDE A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR PUBLIC AIRPORT AUTHORITY.
(c) "Pistol" means that term as defined in section 222 of the Michigan penal code, 1931 PA 328, MCL 750.222.
(d) "Pneumatic gun" means any implement, designed as a gun, that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact."

Representative Moss moved his amendment to HB 4616 (H-2). The motion did not prevail 4-7-0.

UNFAVORABLE ROLL CALL

Yeas: Reps. Green, Moss, Ellison, Sabo.
Nays: Reps. Lower, Crawford, Runestad, Howell, Alexander, Frederick, Hauck.
Pass: None.

Tom Lambert, representing Michigan Open Carry, submitted a card in support of the bill, but due to time constraints was unable to speak.

The following people submitted a card in opposition to the bill, but due to time constraints were unable to speak:

Judy Allen, representing the Michigan Townships Association.
Linda Brundage, representing the Michigan Coalition to Prevent Gun Violence.

Joel Fulton, representing Freedom Firearms, submitted a card in support of the bill, but did not wish to speak.

The following people submitted a card in opposition to the bill, but did not wish to speak:

Ben Bodkin, representing the Michigan Sheriffs' Association.
Carole Boris, representing the Michigan Coalition to Prevent Gun Violence.
Jen Rigterink, representing the Michigan Municipal League.

Representative Fredrick moved to report out HB 4616 with recommendation, as substitute (H-2). The motion prevailed 7-4-0.

FAVORABLE ROLL CALL

Yeas: Reps. Lower, Crawford, Runestad, Howell, Alexander, Frederick, Hauck.
Nays: Reps. Green, Moss, Ellison, Sabo.
Pass: None

Representative Alexander moved to adopt the May 24th, 2017, minutes. There being no objection, the motion prevailed by unanimous consent.

There being no further business before the committee, the Chair adjourned the meeting at 1:26 p.m.

Representative Jim Lower, Chair_____

Angie Lake, Committee Clerk
House Local Government Committee
alake@house.mi.gov